



AGENDA

SUNNYVALE BICYCLE AND PEDESTRIAN ADVISORY COMMISSION

July 19, 2007

6:30 P.M.

West Conference Room

CALL TO ORDER

ROLL CALL

SCHEDULED PRESENTATION

No scheduled presentation

PUBLIC ANNOUNCEMENTS

(Speakers are limited to 3 minutes for announcements of related Board/Commission events, programs, resignations, recognitions, acknowledgments)

CONSENT CALENDAR

- 1.A) Approval of Draft Minutes from June 21, 2007
- 1.B) Approval of Agenda
- 1.C) Approval of 2007 Calendar

STAFF RESPONSE TO PRIOR PUBLIC COMMENTS

Staff may provide further information or clarification for the community's benefit in response to public comments made at previous BPAC meetings. Staff will not necessarily respond to all public comments.

PUBLIC COMMENTS

This category is limited to 15 minutes, with a maximum of three minutes per speaker. If your subject is not on the agenda, you will be recognized at this time; but the Brown Act (Open Meeting Law) does not allow action by Board or Commission Members. If you wish to speak to a subject listed on the agenda, you will be recognized at the time the item is being considered by the Board or Commission.

PUBLIC HEARINGS/GENERAL BUSINESS

- | | | |
|----|---------|--|
| 2. | DISCUSS | Council Policy on Boards and Commissions |
| 3. | DISCUSS | Review Code of Ethics and Parliamentary Procedures |
| 4. | DISCUSS | Study & Budget Issue Development |
| 5. | MOTION | Election of Officers |

NON-AGENDA ITEMS AND COMMENTS

- BPAC ORAL COMMENTS
- STAFF ORAL COMMENTS

INFORMATION ONLY ITEMS

6. Approved May 17, 2007 Meeting Minutes
7. Approved May 29, 2007 Meeting Minutes
8. BPAC Active Items Report

ADJOURNMENT

Notice to the Public:

Agenda information is available by calling Jack Witthaus at (408) 730-7330. Agendas and associated reports are also available on the City's website at <http://www.sunnyvale.ca.gov/>, biking.inSunnyvale.com or at the Sunnyvale Public Library, 665 W. Olive Ave., Sunnyvale, 72 hours before the meeting. Please contact the Department of Public Works Transportation and Traffic Division office at (408) 730-7415 for specific questions regarding the agenda.

Pursuant to the Americans with Disabilities Act, if you need special assistance in this meeting, please contact Jack Witthaus at (408) 730-7330. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (29 CFR 35.104 ADA Title II)

GUIDELINES FOR ADDRESSING THE BOARD OR COMMISSION

Public Announcements – Beginning of Meeting

- 3 minutes or less per speaker.
- Speakers are requested to give their name (address is optional).
- Recognition of a special achievement.
- Announcement of public event with definite time and date.
- Public events that are of Board/Commission interest that occur in the City annually. (Only announce one time for the year).

Public Hearings – Order of Hearing as Follows:

- Opening remarks by the applicant (if applicable).
- Speakers are requested to give their name (address is optional).
- Anyone interested in addressing the Committee (may only speak one time).
- Closing remarks by the applicant (if applicable).
- Time limit of 3 minutes per person (to be extended at discretion of Chair). Please make comments brief and be prepared to provide new input.

Citizens to be Heard

- Any item relevant to the Board and/or Commission
- Speakers are requested to give their name (address is optional).
- Items not on the agenda.
- Items that do not fall within the scope of the Public Announcement section.
- Time limit of 3 minutes, 15 minutes total for this category (to be extended or continued to end of Board/Commission business, at the discretion of the Chair). Limit to one appearance during this section.

<p>If you wish to provide the Board/Commission with copies of any handout materials you are presenting, please provide sufficient copies for each Board/Commission member, the Recording Secretary and other staff present.</p>

**MINUTES****DRAFT****SUNNYVALE BICYCLE AND PEDESTRIAN ADVISORY COMMISSION**

The Bicycle and Pedestrian Advisory Commission met at 6:30 p.m. on June 21, 2007 with Committee Chair Durham presiding. The meeting was held in the West Conference Room, City Hall, 456 West Olive Avenue, Sunnyvale.

ROLL CALL

Members Present: Ralph Durham
Patrick Grant
Kevin Jackson
Thomas Mayer
James Manidakos
Andrea Stawitcke

Members Absent: Richard Warner (excused)

Staff Present: Dieckmann Cogill, Sr. Transportation Planner

Visitors: Arthur Schwartz

SCHEDULED PRESENTATION

There was no scheduled presentation

PUBLIC ANNOUNCEMENTS

Jackson thanked Cogill for her work as a the BPAC liason, and credited Witthaus and Cogill for creating a cooperative relationship between staff and the bicycling community.

CONSENT CALENDAR

- 1.A) Approval of Draft Minutes from May 17, 2007
- 1.B) Approval of Draft Minutes from May 29, 2007
- 1.C) Approval of Agenda
- 1.D) Approval of 2007 Calendar

MOTION – Jackson/Mayer – Approve items 1A – 1D of the Consent Calendar.
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Motion carried unanimously.

STAFF RESPONSE TO PRIOR PUBLIC COMMENTS

No prior public comments

PUBLIC COMMENTS

Durham reported that the countdown pedestrian signals were not working properly on Frances Street at Evelyn.

PUBLIC HEARINGS/GENERAL BUSINESS

2. Pedestrian Safety and Opportunities Study – Tools and Design Guidelines Section

Cogill presented staff report and request BPAC comments and suggestions.

Mayer stated that buffer strips for sidewalks are very important for pedestrian comfort and safety. He also stated that there should be some discussion about safe pedestrian treatment for L shaped intersections. He also requested discussions about Lighted Crosswalks that can be seen by parallel traffic, to warn right turning motorists to yield to pedestrians. He also stated that a 4 foot median refuge seems narrow and asked that staff look into the justification for that minimum requirement. Lastly he mentioned that litter and debris often collect in a median refuge area and asked that the study consider ways to eliminate that problem.

Jackson stated that for Table 2, Page 9, the categories of P and N seem very similar. He also requested that the report include adequate information about bulb-outs to make sure they are safe for bicyclists.

Mayer also requested that the following phrase be included in the study "Safe passage for all modes of travel must come before capacity considerations for any one mode".

Jackson requested that the consultant working on the project attend a BPAC meeting if possible.

Public Comment

Driveway design should be revised to eliminate any lip between the asphalt and the driveway edge.

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No action necessary. This item was for discussion only.

NON-AGENDA ITEMS AND COMMENTS

- **BPAC ORAL COMMENTS**

Jackson thanked staff for the prompt removal of the Mary Avenue Bulb-out. He also requested that staff bring target dates for the Borregas Avenue bridge project to the next meeting.

Manitakos also thanked staff for the removal of the Mary Avenue bulb-out. He also stated that there is a bike rack at Lowes that is improperly installed against a wall.

Grant commented that the Evelyn Avenue bicycle lane is a great success and he has see increased bicycle ridership already. He recommended that the hedges on Mary be trimmed back to at least one or two feet back from the roadway.

Mayer asked when the no parking signs on Wolfe Rd and the Tasman bike bypass are going to be fixed. He also stated that the bike lanes in the Tasman Crossing neighborhood as routinely blocked by construction equipment and parking and filled with dirt and debris.

The Commission thanks Cogill for her work with the commission and the bicycle community in Sunnyvale.

- **STAFF ORAL COMMENTS**

Cogill announced that the Evelyn Ave bike lanes are almost complete.

INFORMATION ONLY ITEMS

None

ADJOURNMENT

The meeting adjourned at 8:00 p.m.

Respectfully submitted,

Dieckmann Cogill, Senior Transportation Planner

MASTER WORK PLAN BOARDS AND COMMISSIONS CALENDAR

Board or Commission	BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE
Calendar Year	2007

List all significant agenda items below. Include all pertinent items from the Council Study Issues Calendar.

MEETING DATE	AGENDA ITEM/ISSUE
January 18	Utility Bill Stuffer Concepts
February 15	Bike to Work Day Planning Health and Safety Fair TFCA 40%
March 15	2007 AC Overlay/Reconstruction List (info only) 2007 Curb Ramp Installation List (info only) Bike to Work Day Planning Health and Safety Fair Pedestrian Opportunities Study Review
April 19	Draft RTC – Mary Avenue bike/ped bridge funding request Bike Locker Issue 07/08 TDA Allocation – not on agenda because city won't be receiving funding for this year due to prior year advances.
May 17	Review of 07/08 Proposed Budget Bike to Work Day debrief Study Issue – Roadway Reconfiguration Guidelines....
May 29	Budget Review
June 21	Pedestrian Safety and Opportunities Study Guidelines
July 19	Election of Officers Review Code of Ethics and Parliamentary Procedures Review of Boards and Commissions Council Policy Study & Budget Issue Development
August 16	Study & Budget Issue Development
September 20	
October 18	Study Issue Ranking
November 15	
December 20	2008 Work Plan

Policy 7.2.19 Boards and Commissions

POLICY PURPOSE:

The purpose of this policy is to outline those Council policies pertaining to the City's Boards and Commissions Program.

POLICY STATEMENT:

This policy pertains only to Council-appointed boards and commissions. Many of its provisions are rooted in the City Charter, and where any conflict exists between this policy and the City Charter, the City Charter shall prevail.

Boards and commissions are created by the City Council for the following general purposes:

- To recommend to City Council specific policy-related issues for possible Council study and action, and to provide a forum and opportunity for broad community participation in the identification and prioritization of those issues; and
- To advise City Council on specific policy issues Council has chosen to study, and to provide a forum and opportunity for broad community input on those issues.
- See also Section 6: Duties.

Boards and commissions shall not involve themselves in administrative/operational matters or the implementation of Council policy.

Boards and Commissions Structure

The City maintains ten Council-appointed boards and Commissions:

- Arts Commission: a 5-member body formed by Council Resolution 262-82, September 14, 1982.
- Bicycle and Pedestrian Advisory Commission: a 7-member body formed by Council Resolution 173-92, August 4, 1992.
- Board of Building Code Appeals: a 5-member body formed by Municipal Code Ordinance 1315.
- Board of Library Trustees: a 5-member body formed by City Charter Section 1013.
- Child Care Advisory Board: a 7-member body formed by Council action, May 26, 1992.
- Heritage Preservation Commission: a 7-member body formed by City Charter Section 1015.
- Housing and Human Services Commission: a 9-member body formed by Council resolution 134-85, March 19, 1985.

COUNCIL POLICY MANUAL

- Parks and Recreation Commission: a 5-member body formed by City Charter Section 1011.
- Personnel Board: a 5-member body formed by City Charter Section 1007.
- Planning Commission: a 7-member body formed by City Charter Section 1009.

1. **Eligibility**

No board or commission members shall hold any paid office or employment in the City Government. All persons appointed shall be registered voters of the City and shall maintain their principal place of residence within the City at the time of their appointment. (Please see exceptions for the Child Care Advisory Board and the Bicycle and Pedestrian Advisory Commission below.) If at any time during their term any member of a board or commission shall cease to be an elector of the City or shall cease to maintain their principal place of residence within the City, then such person shall become ineligible to continue to serve as a member of the board or commission and said position shall be declared vacant by the City Council.

A. Spouses, Household Members, and Relatives

No individual shall be eligible to serve on a City board or commission, chartered or otherwise, who has a spouse, household member living under the same roof, or designated relative (parent, step-parent, grandparent, child, sister, brother, niece, nephew, uncle, or aunt of the individual or of the individual's spouse), currently serving as a member of the City Council, or employed as the City Manager, Assistant City Manager, Assistant to the City Manager, City Attorney, Department Director or Assistant Director or equivalent for the City of Sunnyvale.

B. Concurrent Service

No member of any board or commission listed herein, chartered or otherwise, may serve on more than one board or commission at the same time.

C. Specific membership requirements for charter-related Boards and Commissions are as follows:

(I) Personnel Board:

To be eligible for appointment, each appointee shall neither be a candidate for any other public office or position and shall not be an officer of any local, state, or national partisan club or organization, nor a former City employee. (Source: City Charter Section 1007)

No individual shall be eligible to or continue to serve on the Personnel Board who has a spouse, household member, or designated relative (parent, step-parent, grandparent, child, sister, brother, niece, nephew, uncle, or aunt of the individual or of the individual's spouse), employed by the City of Sunnyvale *in a position which has the right to have a disciplinary matter heard before the Personnel Board.*

(II) Planning Commission:

To be eligible for appointment, each appointee shall not hold any paid office or employment in the City government, *except that the City Manager or his/her designated representative, shall serve as an ex-officio member of the Commission.* (Source: City Charter Section 1009)

D. Specific membership requirements for non-charter-specified Boards and Commissions are as follows:

(I) Arts Commission:

The members of this commission shall have a demonstrated interest in the arts and in the art programs of the City. Strong consideration shall be given to applicants with a background in the arts. (Source: Resolution No. 193-84).

(II) Housing and Human Services Commission:

The members of the Housing and Human Services Commission shall have a demonstrated interest in housing or human services issues. (Source: Resolution No. 134-85).

(III) Board of Building Code Appeals:

To be eligible for appointment, each appointee shall be qualified by experience and training to pass upon matters pertaining to building construction. (Source: Municipal Code, Chapter 16.08)

(IV) Child Care Advisory Board:

The board membership shall consist of representatives of 1) community care licensing and resource/referral agencies; 2) community colleges, school districts and County Office of Education; 3) child care centers and family child care services; 4) business community; 5) parents; 6) related fields. No more than two representatives of a category will serve at any given time. In the event there are unfilled vacancies due to lack of participation from one of the above groups, vacancies may be filled by representatives of other agencies with a role in child care or the community at large. (Source: City Council motion May 26, 1992)

All persons appointed to the Child Care Advisory Board at the time of his or her appointment shall be affiliated with (either through employment or an official membership) the above noted organizations. In the event that the affiliation ceases, that person shall be ineligible to continue to serve as a member of the CCAB. (Source: City Council motion May 26, 1992)

E. Limitation on Terms

Any person appointed to a board or commission shall be immediately eligible, upon the expiration of their term, to serve on a different board or commission (for the purposes of this policy, the resignation or removal of a member from a board or commission does not constitute the expiration of their term—i.e., a board or commission member is not eligible to serve on a different board or commission until the unexpired term from which he/she has resigned or was removed, has expired).

All board and commission members are eligible to serve two successive four-year terms on the same board or commission. No person who has served two such successive four-year terms shall be eligible for appointment to that same board or commission for two years following the expiration of the second full term for which the member was appointed and served. Serving an unexpired term of up to 2 years in length shall not count toward years served in terms of eligibility.

The members of the CCAB shall serve for a term of four years and until their respective successors are appointed. Membership terms shall be staggered. The designated agencies are required to identify the most appropriate representative, which could result in an individual serving multiple terms as the designated agency representative. The limitation on terms that is policy for most of the existing boards in the City may be waived for those categories of membership in which there is only one designated agency.

2. Recruitment

Through the Office of the City Manager, efforts will be made to fill board or commission vacancies as soon as practical. Upon notification of a vacancy, whether planned or unplanned, staff shall inform Council of the status of recruitment efforts to fill the vacancy.

3. Appointment/Removal

Appointments and removals of board and commission members shall be agendaized at a City Council meeting.

The appointment process will be conducted as follows:

The Mayor will announce by board or commission each vacancy including its term, and then will read each applicant's name. Council will vote on each applicant. The candidate receiving the most affirmative votes and at least four affirmative votes will be appointed. Should no candidate receive at least four affirmative votes, the vacancy will remain. Should a tie between the candidates receiving the most affirmative votes occur, the affected applicants will be voted on again. If a tie still remains, and the affected applicants each have received at least four affirmative votes, the Mayor would ask the City Attorney to draw the name of the person to be appointed. The process is repeated for each board or commission.

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If vacancies still exist after the appointment process is conducted, staff shall inform Council of alternative courses of action.

The members of each board or commission shall be subject to removal by motion of the City Council approved by at least four affirmative votes, for the following reasons:

- Failure to maintain eligibility requirements
- Failure to take the required Oath of Office
- Failure to complete required training
- Failure to meet attendance requirements
- Failure to fulfill board or commission duties
- Failure to adhere to Council policy governing boards and commission member interaction with City Council, the public, staff, and/or other board or commission members.
- Violation of Code of Ethics

G. Exceptions:

(I) Personnel Board:

Two of the five members shall be appointed by the City Council from a list of five persons to be nominated by election of the employees in the classified service. (Source: City Charter Section 1007)

(II) Child Care Advisory Board:

(a) Designated Agency Appointments:

When a vacancy occurs in the following categories: 1) community care licensing and resource/referral agencies; 2) community colleges, school districts and County Office of Education; 3) child care centers and family child care services; representative agencies shall be contacted to make an appointment to the CCAB. The City Council will ratify the appointment. In the event that one or more of the designated agencies elects not to participate in the CCAB, the City may accept applications from other agencies involved in child care and will consider these applications amongst the multiple agency/individual appointments as described below.

(b) Multiple Agency or Individual Appointments:

For those membership categories for which there is more than one agency or organization which may be interested in seeking membership on the CCAB, i.e., child care centers and family day care providers (includes one alternate), Sunnyvale businesses, religious institutions and parent representatives, the child care staff shall seek applicants through mailings and other targeted recruitment efforts. Child care staff will recommend

appointments which will be ratified by the City Council.
(Source: City Council motion May 26, 1992)

(II) Bicycle and Pedestrian Advisory Commission

The members of the commission shall be selected from two categories:

- (a) Category One shall be bicyclists or pedestrians in the City of Sunnyvale. Every person in this category shall, at the time of his or her appointment, be a registered voter of the City and shall maintain his or her principal place of residence within the City. Should any person so appointed cease to be an elector of the City or cease to maintain his or her principal place of residence within the City, that person shall be ineligible to continue to serve as a member of the commission.
- (b) Category Two shall include members of the PTA or other parent groups, administrations of schools in Sunnyvale, commute coordinators for major employers within the City, members of neighborhood associations, principals or teachers from Sunnyvale schools or persons interested in park and recreational activities in the City. (Source: Resolution No. 173-92.)

3. Oath of Office

Each board and commission member (and alternates for the Child Care Advisory Board), before entering upon the discharge of the duties of his/her office, shall sign the City's Code of Ethics document and take, subscribe to, and file with the City Clerk the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of (here inserting the name of office) according to the best of my ability." (Amended effective December 31, 1975) *City Charter Section 910*

After taking the Oath of Office and signing the Code of Ethics in the Office of the City Clerk, each board and commission member shall have the opportunity to receive a ceremonial Oath of Office at a regularly scheduled Council meeting.

4. Required Training/Conferences

Mandatory training shall be provided to all board and commission members by the City through the Office of the City Manager, including an orientation session for new members. Training shall be delivered as deemed necessary by the Council and/or City Manager and may include topics germane to a specific board or commission and/or training generic to all boards and commissions (e.g. ethics training or "how to run a meeting" for board and commission chairs).

Conferences are conducted periodically by outside groups to assist members of boards and commissions in meeting their respective responsibilities more effectively. The City's interests are often served by participation in the educational and training programs offered at the conferences. Each member of City boards and commissions may attend related training and/or conferences, provided that the conference subject matter pertains directly to the function of the board and commission and that funds for this purpose have been budgeted.

5. Meetings, Attendance and Quorums (see also Council Policy 7.3.8 Posting of Agendas and Procedure for Confirming Proper Posting and Notice of Meetings)

A. Meetings

Each board and commission shall hold regular meetings and special meetings as it may require. All meetings shall be open to the public and meet Brown Act requirements (with the exception of certain disciplinary review proceedings of the Personnel Board).

All board and commission meetings shall operate under Parliamentary Procedure. Should this policy and Parliamentary Procedure conflict, this policy shall take precedence.

B. Attendance

Each member of a City board or commission is expected to attend all regularly scheduled meetings (as identified for each board and commission on the official roster). Attendance of less than 75% (regardless of whether excused or unexcused) of the regularly scheduled meetings OR two consecutive unexcused absences in 12 months may result in a letter from the Mayor requesting improved attendance and reminding the member of the Council policies on absences. If the member has three consecutive unexcused absences from regularly scheduled meetings, the member's seat will be declared vacant by Council action.

Each board or commission will record their respective members' absences as excused or unexcused and shall include that record in the minutes of the meeting at which the member is absent. Excused absences shall be limited to those which meet both of the following requirements:

- (I) The absent member must have informed the chair and/or the City staff liaison to the board or commission, of their intended absence prior to the scheduled meeting. (Failure to inform the chair or the staff liaison prior to the meeting will result in an unexcused absence, unless extenuating circumstances prevent advance notice.), *and*
- (II) The absence is due to one of the following:
 - (a). A death in the family,
 - (b). Personal illness,
 - (c). Board or commission-related business,
 - (d). Personal leave (limited to one per fiscal year) or emergency, or

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- (e). Decision by member's supervisor in employment or required military service.

Staff shall prepare for the City Council a quarterly attendance report of all the City's boards and commissions showing the attendance of each member during the past 12 months. Attendance issues will be highlighted by the staff.

(III) Exception:

Attendance policies for the Child Care Advisory Board will be consistent with those of other boards and commissions in the City with the exception that members may send alternates in their stead. In order to have full voting rights, the alternate must be approved by Council in advance and take the oath. The member shall be reflected in the minutes as having been in attendance through the alternate.

C. Quorums

Boards and commissions have a quorum when 51% of their current membership is present. "Current membership" is defined as the official membership, less any seats that are formally vacant through resignation, unfilled vacancy or removal.

D. Majority and Abstentions

Board and/or commission motions shall be approved by a majority of legal votes cast. Members who fail to vote are presumed to have waived the exercise of their right and to have consented to allow the will of the organization to be expressed by those voting. The tabulation of a vote is based on the number of members present *and* voting. Abstentions are not counted, since a member who abstains voluntarily relinquishes his or her vote, and is not counted in the results. (*The Standard Code of Parliamentary Procedure*, 4th Edition)

6. Duties

Aside from obligations related to attendance and training noted elsewhere in this policy, the general duties for all board and commission members are:

A. Work Plans

Each board and commission shall create an Annual Work Plan which is a 12-month calendar of the policy issues the board/commission will be acting on during the year.

B. Study Issues Process

The Study Issues process is designed to assist City Council with setting priorities for the coming calendar year. Board and commission members have two roles in this process:

- To advise Council regarding the identification of policy issues to study

- To advise Council on those issues Council has decided to study

Within one month of origin, new study issue papers sponsored by Council or a board or commission will be presented to respective boards or commissions, or at the next regular meeting of the respective board or commission.

C. Budget

Board and commission members have two roles in the budget process:

- To advise Council regarding the identification of budget issues
- Provide Council a recommendation regarding the City Manager's recommended budget for content under the purview of their board or commission.

D. Chairperson's Role and Responsibilities

- (I) Attends training in how to be an effective chair prior to assuming the role.
- (II) Presides at meetings of the board or commission, and follows Brown Act requirements for conducting meetings.
- (III) Serves as a liaison to Council at City Council meetings.
- (IV) Coordinates the scheduling of special meetings or cancellation of a meeting with the staff liaison.
- (V) Coordinates the setting of the agenda with the staff liaison. Should the chair and the staff liaison disagree regarding the agenda, the City Manager shall have final authority.
- (VI) Board and commission chairs are encouraged to attend Council meetings when the board or commission has a recommendation to provide input to Council or the board or commission's position on an item. The chair shall report back to their board or commission on Council's discussion and ultimate decision.

E. Vice-Chair

- (I) Attends training in how to be an effective vice-chair prior to assuming the role.
- (II) Serves as the presiding officer in the absence of the chair.

F. Additional Duties

Additional duties may be conferred upon specific boards and/or commissions by the City Council. These shall be memorialized via the City Charter or Council resolution. By-laws shall be established by all boards and commission and be approved by Council prior to taking effect.

7. Interaction with City Council, Public, Staff, and other Board and Commission Members

The City Manager shall appoint a staff liaison to support each board and commission.

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In addition to their role as advisors to the Council, boards and commissions serve as liaisons between the City and the general public regarding issues under their purview at City sponsored meetings or events. Each board and commission functions as a communication link between the community and the City, explaining City programs and recommendations, advocating established City policy and services, as well as providing a channel for citizen expression.

Outside of official board or commission meetings, individual board and commission members are not authorized to represent the City or their board or commission unless specifically designated by the Council or the board or commission to do so for a particular purpose.

Members shall represent the official policies or positions of the City to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the City of Sunnyvale, nor will they allow the inference that they do. (*Source: Code of Ethics for Elected and Appointed Officials*)

Although a board or commission may disagree with the final decision the Council makes, the board or commission shall not act in any manner contrary to the established policy adopted by the Council.

Board and commission members shall adhere to the City's Code of Ethics. Council conduct with boards and commissions is covered in the City's Code of Conduct for Elected Officials adopted in April 2000.

Council shall be kept informed of the activities of boards and commissions by virtue of the board and commission minutes.

Council shall consider joint study sessions with boards and commissions as warranted. Council shall encourage members of the public to submit issues and/or concerns to the appropriate board or commission prior to Council considering the matter. (*Community Participation Sub-Element 7.2C.5(a)*)

Board and commission members with questions or concerns about board or commission administrative matters are to first contact staff, in the manner prescribed by the city manager via administrative policy, for resolution. Only when this process does not result in satisfactory resolution are they to so inform the City Council.

8. Recognition

An annual event to recognize the service of all board and commission members, as well as citizens serving on special Council ad-hoc committees, shall be coordinated through the Office of the City Manager.

Outgoing board and commission members who have served their full term shall receive a certificate of appreciation and a small memento of appreciation. The type of certificates and mementos provided are at the discretion of the Office of the City Manager, shall not exceed the gift limit established by the Fair Political Practices commission in effect at the time, and will be suitable for the occasion.

9. Resignation/Completion of Term

When a board or commission Member resigns from his or her seat, the member shall notify the Mayor in writing (email, fax or letter), with copies to the staff liaison, City Clerk and City Manager, indicating the effective date and the reason(s) for resignation. When the resignation notice is received by the Office of the City Clerk, staff shall notify Council of the resignation and the status of recruitment efforts to fill the vacancy. Upon resignation or completion of board or commission assignment, individuals shall not represent themselves further as a board or commission member.

10. Administrative Policies

The City Manager shall have full authority to develop and implement any administrative policies and practices deemed necessary to support the operation of all boards and commissions.

((Adopted: RTC 07-148 (5/1/07))

Lead Department: Office of the City Manager

Code of Ethics for Elected and Appointed Officials

POLICY PURPOSE

The Sunnyvale City Council has adopted a Code of Ethics for members of the City Council and the City's boards and commissions to assure public confidence in the integrity of local government and its effective and fair operation.

POLICY STATEMENT

Preamble

The citizens and businesses of Sunnyvale are entitled to have fair, ethical and accountable local government which has earned the public's full confidence for integrity. In keeping with the City of Sunnyvale Commitment to Excellence, the effective functioning of democratic government therefore requires that:

- public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government;
- public officials be independent, impartial and fair in their judgement and actions;
- public office be used for the public good, not for personal gain; and
- public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the Sunnyvale City Council has adopted a Code of Ethics for members¹ of the City Council and of the City's boards and commissions to assure public confidence in the integrity of local government and its effective and fair operation.

1. Act in the Public Interest. Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of the people of Sunnyvale and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before the Sunnyvale City Council, boards and commissions.
2. Comply with the Law. Members shall comply with the laws of the nation, the State of California and the City of Sunnyvale in the performance of their public duties. These laws include, but are not limited to: the United States and California constitutions; the Sunnyvale City Charter; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government; and City ordinances and policies.
3. Conduct of Members. The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of Council, boards and commissions, the staff or public.

¹ For ease of reference in the Code of Ethics, the term "member" refers to any member of the Sunnyvale City Council or any of the City's boards and commissions established by the City Charter, City ordinance or Council policy.

4. Respect for Process. Members shall perform their duties in accordance with the processes and rules of order established by the City Council and board and commissions governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the City Council by City staff.
5. Conduct of Public Meetings. Members shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall refrain from interrupting other speakers; making personal comments not germane to the business of the body; or otherwise interfering with the orderly conduct of meetings.
6. Decisions Based on Merit. Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.
7. Communication. Members shall publicly share substantive information that is relevant to a matter under consideration by the Council or boards and commissions, which they may have received from sources outside of the public decision-making process.
8. Conflict of Interest. In order to assure their independence and impartiality on behalf of the common good, members shall not use their official positions to influence government decisions in which they have a material financial interest, or where they have an organizational responsibility or personal relationship which may give the appearance of a conflict of interest. In accordance with the law, members shall disclose investments, interests in real property, sources of income, and gifts; and they shall abstain from participating in deliberations and decision-making where conflicts may exist.
9. Gifts and Favors. Members shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office, that are not available to the public in general. They shall refrain from accepting any gifts, favors or promises of future benefits which might compromise their independence of judgement or action or give the appearance of being compromised.
10. Confidential Information. Members shall respect the confidentiality of information concerning the property, personnel or affairs of the City. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.
11. Use of Public Resources. Members shall not use public resources not available to the public in general, such as City staff time, equipment, supplies or facilities, for private gain or personal purposes.
12. Representation of Private Interests. In keeping with their role as stewards of the public interest, members of Council shall not appear on behalf of the private interests of third parties before the Council or any board, commission or proceeding of the City, nor shall members of boards and commissions appear before their own bodies or before the Council on behalf of the private interests of third parties on matters related to the areas of service of their bodies.
13. Advocacy. Members shall represent the official policies or positions of the City Council, board or commission to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, members shall

explicitly state they do not represent their body or the City of Sunnyvale, nor will they allow the inference that they do.

14. **Policy Role of Members.** Members shall respect and adhere to the council-manager structure of Sunnyvale city government as outlined by the Sunnyvale City Charter. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by the public, boards and commissions, and City staff. Except as provided by the City Charter, members therefore shall not interfere with the administrative functions of the City or the professional duties of City staff; nor shall they impair the ability of staff to implement Council policy decisions.
15. **Independence of Boards and Commissions.** Because of the value of the independent advice of boards and commissions to the public decision-making process, members of Council shall refrain from using their position to unduly influence the deliberations or outcomes of board and commission proceedings.
16. **Positive Work Place Environment.** Members shall support the maintenance of a positive and constructive work place environment for City employees and for citizens and businesses dealing with the City. Members shall recognize their special role in dealings with City employees to in no way create the perception of inappropriate direction to staff.
17. **Implementation.** As an expression of the standards of conduct for members expected by the City, the Sunnyvale Code of Ethics is intended to be self-enforcing. It therefore becomes most effective when members are thoroughly familiar with it and embrace its provisions. For this reason, ethical standards shall be included in the regular orientations for candidates for City Council, applicants to board and commissions, and newly elected and appointed officials. Members entering office shall sign a statement affirming they read and understood the City of Sunnyvale code of ethics. In addition, the Code of Ethics shall be annually reviewed by the City Council, boards and commissions, and the City Council shall consider recommendations from boards and commissions and update it as necessary.
18. **Compliance and Enforcement.** The Sunnyvale Code of Ethics expresses standards of ethical conduct expected for members of the Sunnyvale City Council, boards and commissions. Members themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government.

The chairs of boards and commissions and the Mayor have the additional responsibility to intervene when actions of members that appear to be in violation of the Code of Ethics are brought to their attention. The City Council may impose sanctions on members whose conduct does not comply with the City's ethical standards, such as reprimand, formal censure, loss of seniority or committee assignment, or budget restriction. Under the City Charter, the City Council also may remove members of boards and commissions from office. A violation of this code of ethics shall not be considered a basis for challenging the validity of a Council, board or commission decision.

(Adopted: RTC 95-145 (6/27/1995), Reaffirmed: RTC 99-467 (10/26/1999), Reaffirmed: RTC 00-353 (10/10/2000), Reaffirmed: RTC 01-368 (10/23/2001), Reaffirmed: RTC 02-437 (11/12/2002), Reaffirmed: RTC 03-391 (11/11/2003), Reaffirmed: RTC 04-419 (12/7/2004), Reaffirmed: RTC 05-360 (12/13/2005))



CITY OF SUNNYVALE

CODE OF CONDUCT FOR ELECTED OFFICIALS

"Conduct is three-fourths of our life and its largest concern."

*— Matthew
Arnold*

(Adopted by Council on April 11, 2000 (RTC 00-124))
(Revised by Council on December 7, 2004 (RTC 04-418))
(Revised by Council on December 13, 2005 (RTC 05-361))

The Three Rs of Sunnyvale Government Leadership: Roles, Responsibilities and Respect

The City Charter provides detailed information on the roles and responsibilities of Councilmembers, the Vice Mayor, and the Mayor. The City's Code of Ethics provides guidance on ethical issues and questions of right and wrong. Until now, what has not been clearly written down is a Code of Conduct for Sunnyvale's elected officials.

This Code of Conduct is designed to describe the manner in which Councilmembers should treat one another, city staff, constituents, and others they come into contact with in representing the City of Sunnyvale. It reflects the work of a Council Policy and Protocol Subcommittee that was charged with defining more clearly the behavior, manners, and courtesies that are suitable for various occasions. The Subcommittee also considered a wide variety of policy changes and clarifications designed to make public meetings and the process of governance run more smoothly.

The constant and consistent theme through all of the conduct guidelines is "respect." Councilmembers experience huge workloads and tremendous stress in making decisions that could impact thousands of lives. Despite these pressures, elected officials are called upon to exhibit appropriate behavior at all times. Demonstrating respect for each individual through words and actions is the touchstone that can help guide Councilmembers to do the right thing in even the most difficult situations.

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Overview of Roles & Responsibilities

"Leadership is an action, not a word."

-- Richard Cooley

Other resources that are helpful in defining the roles and responsibilities of elected officials can be found in the Sunnyvale City Charter and in the Leadership Guide for Mayors and Councilmembers published by the League of California Cities.

MAYOR

- Serves at the pleasure of the Council (Sunnyvale City Charter, Section 605)
- Acts as the official head of the City for all ceremonial purposes (Sunnyvale City Charter, Section 605)
- Chairs Council meetings (Sunnyvale City Charter, Section 605)
- Calls for special meetings (Sunnyvale City Charter, Section 609)
- Recognized as spokesperson for the City
- Selects substitute for City representation when Mayor cannot attend
- Makes judgment calls on proclamations, Special Orders of the Day, etc.
- Recommends subcommittees as appropriate for Council approval
- Serves as the liaison between the Council and the City Manager and City Attorney in regards to employee relations
- Leads the Council into an effective, cohesive working team
- Signs documents on behalf of the City
- Serves as official delegate of the City to the U.S. Conference of Mayors and other events and conferences

VICE MAYOR

- Serves at the pleasure of the Council (Sunnyvale City Charter, Section 606)
- Performs the duties of the Mayor if the Mayor is absent or disabled (Sunnyvale City Charter, Section 606)
- Chairs Council meetings at the request of the Mayor
- Represents the City at ceremonial functions at the request of the Mayor
- Reports closed session actions at public Council meetings
- Initiates routine motion for consent calendar items on the City Council agenda

ALL COUNCILMEMBERS

All members of the City Council, including those serving as Mayor and Vice Mayor, have equal votes. No Councilmember has more power than any other Councilmember, and all should be treated with equal respect.

All Councilmembers should:

- Fully participate in City Council meetings and other public forums while demonstrating respect, kindness, consideration, and courtesy to others
- Prepare in advance of Council meetings and be familiar with issues on the agenda

- Represent the City at ceremonial functions at the request of the Mayor
- Place activities and events on the Council's weekly activities calendar that invite official participation of all Councilmembers. A list of the activities of individual Councilmembers may also be submitted for public record at the option of the Councilmember
- Be respectful of other people's time. Stay focused and act efficiently during public meetings.
- Serve as a model of leadership and civility to the community
- Inspire public confidence in Sunnyvale government
- Provide contact information with the Council Executive Assistant in case an emergency or urgent situation arises while the Councilmember is out of town
- Demonstrate honesty and integrity in every action and statement
- Participate in scheduled activities to increase team effectiveness and review Council procedures, such as this Code of Conduct

MEETING CHAIR

The Mayor will chair official meetings of the City Council, unless the Vice Mayor or another Councilmember is designated as Chair of a specific meeting.

- Maintains order, decorum, and the fair and equitable treatment of all speakers
- Keeps discussion and questions focused on specific agenda item under consideration
- Makes parliamentary rulings with advice, if requested, from the City Attorney who acts as an advisory parliamentarian. Chair rulings may be overturned if a Councilmember makes a motion as an individual and the majority of the Council votes to overrule the Chair.

FORMER COUNCILMEMBERS

Past members of the City Council who speak to the current City Council about a pending issue should disclose who they are speaking on behalf of (individual or organization).

Policies & Protocol Related To Conduct

"Wherever there is a human being, there is an opportunity for kindness."

-- Seneca

Ceremonial Events

Requests for a City representative at ceremonial events will be handled by City staff. The Mayor will serve as the designated City representative. If the Mayor is unavailable, then City staff will determine if event organizers would like another representative from the Council. If yes, then the Mayor will recommend which Councilmember should be asked to serve as a substitute. Invitations received at City Hall are presumed to be for official City representation. Invitations addressed to Councilmembers at their homes are presumed to be for unofficial, personal consideration.

Correspondence Signatures

Councilmembers do not need to acknowledge the receipt of correspondence, or copies of correspondence, during Council meetings. City staff will prepare official letters in response to public inquiries and concerns. These letters will carry the signature of the Mayor unless the Mayor requests that they be signed by another Councilmember or City staff.

If correspondence is addressed only to one Councilmember, that Councilmember should check with staff on the best way to respond to the sender.

Endorsement of Candidates

Councilmembers have the right to endorse candidates for all Council seats or other elected offices. It is inappropriate to mention endorsements during Council meetings or other official City meetings.

Intergovernmental Relations

The Council will hold a quarterly meeting on intergovernmental relations (IGR) to assign specific Councilmembers to take a leadership role on new issues and to hear updates on pending issues. A Chair for each Council Subcommittee should be selected at the first meeting of the Subcommittee after the IGR assignments are made.

Legislative Process

The City of Sunnyvale uses the Planning and Management System (PAMS) as a guideline for its legislative process. Details of the PAMS system may be found in City manuals. The City uses parliamentary procedure for meeting management.

Non-agenda Items

During a designated period of the agenda, citizens, Councilmembers and staff may bring forth issues or questions that are not on the meeting's agenda. Topics should be legislative items requiring action by the Mayor or the Council, study issues for future consideration, and requests for information. Each speaker, citizen or elected official, will be limited to five minutes.

Public Announcements in Council Meetings

Councilmembers who want to speak first during the Public Announcement portion of the Council meeting should notify the Chair in advance. Otherwise, Councilmembers will be recognized when the Chair notices the light signal. Councilmembers like members of the public who use this portion of the agenda to recognize achievements or promote an event, will be limited to three minutes each, and should keep the focus on matters of community-wide interest.

Public Meeting Hearing Protocol

The applicant or appellant shall have the right to speak first. The Chair will determine the length of time allowed for this presentation. Speakers representing either pro or con points of view will be allowed to follow. The Chair will determine how much time will be allowed for each speaker, with 3 to 5 minutes the standard time granted. The applicant or appellant will be allowed to make closing comments. The Chair has the responsibility to run an efficient public meeting and has the discretion to modify the public hearing process in order to make the meeting run smoothly.

Councilmembers will not express opinions during the public hearing portion of the meeting except to ask pertinent questions of the speaker or staff. "I think" and "I feel" comments by Councilmembers are not appropriate until after the close of the public hearing. Councilmembers should refrain from arguing or debating with the public during a public hearing and shall always show respect for different points of view.

Main motions may be followed by amendments, followed by substitute motions. Any Councilmember can call for a point of order. Only Councilmembers who voted on the prevailing side may make motions to reconsider. Councilmembers who desire to make the first motion on issues which they feel strongly about should discuss their intention with the Chair in advance of the Council meeting.

Travel Expenses

The policies and procedures related to the reimbursement of travel expenses for official City business by Councilmembers are outlined in Council Policy 7.3.12. All Council travel in excess of the allowed budget, in which the Councilmember expects to officially represent the City and/or be reimbursed by the City for travel costs, must be approved in advance by the Council. The travel policy and budget for Council should be reviewed at each two-year budget cycle.

Council Conduct with One Another

"In life, courtesy and self-possession, and in the arts, style, are the sensible impressions of the free mind, for both arise out of a deliberate shaping of all things and from never being swept away, whatever the emotion, into confusion or dullness."

-- William Butler Yeats

Councils are composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the present and the future of the community. In all cases, this common goal should be acknowledged even as Council may "agree to disagree" on contentious issues.

IN PUBLIC MEETINGS

- **Use formal titles**

The Council should refer to one another formally during public meetings as Mayor, Vice Mayor or Councilmember followed by the individual's last name.

- **Practice civility and decorum in discussions and debate**

Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. This does not allow, however, Councilmembers to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions that could be construed as threatening will be tolerated.

- **Honor the role of the Chair in maintaining order**

It is the responsibility of the Chair to keep the comments of Councilmembers on track during public meetings. Councilmembers should honor efforts by the Chair to focus discussion on current agenda items. If there is disagreement about the agenda or the Chair's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure.

- **Avoid personal comments that could offend other Councilmembers**

If a Councilmember is personally offended by the remarks of another Councilmember, the offended Councilmember should make notes of the actual words used and call for a "point of personal privilege" that challenges the other Councilmember to justify or apologize for the language used. The Chair will maintain control of this discussion.

- **Demonstrate effective problem-solving approaches**

Councilmembers have a public stage to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.

IN PRIVATE ENCOUNTERS

- **Continue respectful behavior in private**

The same level of respect and consideration of differing points of view that is deemed appropriate for public discussions should be maintained in private conversations.

- **Be aware of the insecurity of written notes, voicemail messages, and e-mail**

Technology allows words written or said without much forethought to be distributed wide and far. Would you feel comfortable to have this note faxed to others? How would you feel if this voicemail message were played on a speaker phone in a full office? What would happen if this E-mail message were forwarded to others? Written notes, voicemail messages and e-mail should be treated as potentially "public" communication.

- **Even private conversations can have a public presence**

Elected officials are always on display – their actions, mannerisms, and language are monitored by people around them that they may not know. Lunch table conversations will be eavesdropped upon, parking lot debates will be watched, and casual comments between individuals before and after public meetings noted.

Council Conduct with City Staff

"Never let a problem become an excuse."

-- Robert Schuller

Governance of a City relies on the cooperative efforts of elected officials, who set policy, and City staff who implements and administers the Council's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

- **Treat all staff as professionals**

Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards staff is not acceptable.

- **Council questions/inquiries to City staff**

1. ***General. Council communications with City staff should be limited to normal City business hours unless the circumstances warrant otherwise. Responses to Council questions posed outside of normal business hours should be expected no earlier than the next business day.***
2. ***Routine Requests for Information and Inquiries. Councilmembers may contact staff directly for information made readily available to the general public on a regular basis (e.g., "What are the library's hours of operation?" or "How does one reserve a tee time at the golf course?"). Under these circumstances staff shall treat the Councilmember no differently than they would the general public, and the Councilmember shall not use their elected status to secure preferential treatment. The City Manager does not need to be advised of such contacts.***
3. ***Non-Routine Requests for Readily Available Information. Council may also contact staff directly for easily retrievable information not routinely requested by the general public so long as it does not require staff to discuss the issue or express an opinion (e.g., "How many traffic lights are there in the City?" or "Under what circumstances does the City lower its flags to half mast?")***
4. ***Non-Routine Requests Requiring Special Effort. Any Councilmember request or inquiry that requires staff to compile information that is not readily available or easily retrievable and/or that requests staff to express an opinion (legal or otherwise) must be directed to the City Manager, or to the City Attorney, as appropriate (e.g., "How many Study Issues completed over the past five years have required 500 or more hours of staff time?", or "What is the logic behind the City's sign ordinances affecting businesses along El Camino Real?"). The City Manager (or City Attorney as appropriate) shall be responsible for distributing such requests to his/her staff for follow-up. Responses to such requests shall be copied to all Councilmembers, the City Manager, the City Attorney as appropriate and affected Department Heads.***

5. ***Meeting Requests.*** Any Councilmember request for a meeting with staff must be directed to the City Manager or City Attorney, as appropriate. When in doubt about the appropriateness of a communication with staff, Councilmembers shall ask the City Manager for advice.

6. ***Public Safety Restrictions.*** Under certain circumstances, requests for information regarding operations or personnel of the Department of Public Safety may be legally restricted. Applicable statutes include: The Peace Officers' Procedural Bill of Rights (California Government Code Section 3300, et seq.), Confidentiality of Peace Officer Records (California Penal Code Section 832.5-7), and a number of exceptions to the California Public Records Act, defined in Government Code Section 6254. Providing information in response to such requests could violate the law, and might also violate due process rights that have been defined for peace officers in the State of California. Accordingly, it shall be the policy of the City of Sunnyvale to strictly comply with all applicable legal authorities governing the release of Department of Public Safety information and records.

• **Do not disrupt City staff from their jobs**

Councilmembers should not disrupt City staff while they are in meetings, on the phone, or engrossed in performing their job functions in order to have their individual needs met.

• **Never publicly criticize an individual employee**

Council should never express concerns about the performance of a City employee in public, to the employee directly, or to the employee's manager. Comments about staff performance should only be made to the City Manager through private correspondence or conversation. Comments about staff in the office of the City Attorney should be made directly to the City Attorney.

• **Do not get involved in administrative functions**

Councilmembers must not attempt to influence City staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of City licenses and permits. [See Code of Ethics] The Sunnyvale City Charter, Section 807, also contains information about the prohibition of Council interference in administrative functions.

• **Check with City staff on correspondence before taking action**

Before sending correspondence, Councilmembers should check with City staff to see if an official City response has already been sent or is in progress.

• **Do not attend meetings with City staff unless requested by staff.**

Even if the Councilmember does not say anything, the Councilmember's presence implies support, shows partiality, intimidates staff, and hampers staff's ability to do their job objectively.

• **Limit requests for staff support**

Routine secretarial support will be provided to all Councilmembers. The Council Executive Assistant opens all mail for Councilmembers, unless a Councilmember requests other

arrangements. Mail addressed to the Mayor is reviewed first by the City Manager who notes suggested action and/or follow-up items.

Requests for additional staff support – even in high priority or emergency situations – should be made to the City Manager who is responsible for allocating City resources in order to maintain a professional, well-run City government.

• **Do not solicit political support from staff**

Councilmembers should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from City staff. City staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace.

Council Conduct with The Public

"If a man be gracious and courteous to strangers, it shows he is a citizen of the world, and that his heart is no island cut off from other lands, but a continent that joins to them."

-- Francis Bacon

IN PUBLIC MEETINGS

Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual Councilmembers toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

- **Be welcoming to speakers and treat them with care and gentleness**

"I give many public presentations so standing up in front of a group and using a microphone is not new to me. But I found that speaking in front of Council was an entirely different experience. I was incredibly nervous and my voice was shaking. I think the reason was because the issue was so personal to me. The Council was going to take a vote that would affect my family's daily life and my home. I was feeling a lot of emotion. The way that Council treats people during public hearings can do a lot to make them relax or to push their emotions to a higher level of intensity."

- **Be fair and equitable in allocating public hearing time to individual speakers**

"The first thing the Mayor said to me was to be brief because the meeting was running late and the Council was eager to go home. That shouldn't be my problem. I'm sorry my item was at the end of the agenda and that there were a lot of speakers, but it is critically important to me and I should be allowed to say what I have to say and believe that the Council is listening to me."

The Chair will determine and announce limits on speakers at the start of the public hearing process. Generally, each speaker will be allocated five-minutes with applicants and appellants or their designated representatives allowed more time. If many speakers are anticipated, the Chair may shorten the time limit and/or ask speakers to limit themselves to new information and points of view not already covered by previous speakers.

No speaker will be turned away unless he or she exhibits inappropriate behavior. Each speaker may only speak once during the public hearing unless the Council requests additional clarification later in the process. After the close of the public hearing, no more public testimony will be accepted unless the Chair reopens the public hearing for a limited and specific purpose.

- **Give the appearance of active listening**

It is disconcerting to speakers to have Councilmembers not look at them when they are speaking. It is fine to look down at documents or to make notes, but reading for a long period of time gazing around the room gives the appearance of disinterest. Be aware of facial expressions, especially those that could be interpreted as "smirking," disbelief, anger or boredom.

- **Ask for clarification, but avoid debate and argument with the public**

Only the Chair – not individual Councilmembers -- can interrupt a speaker during a presentation. However, a Councilmember can ask the Chair for a point of order if the speaker is off the topic or exhibiting behavior or language the Councilmember finds disturbing.

If speakers become flustered or defensive by Council questions, it is the responsibility of the Chair to calm and focus the speaker and to maintain the order and decorum of the meeting. Questions by Councilmembers to members of the public testifying should seek to clarify or expand information. It is never appropriate to belligerently challenge or belittle the speaker. Councilmembers' personal opinions or inclinations about upcoming votes should not be revealed until after the public hearing is closed.

- **No personal attacks of any kind, under any circumstance**

Councilmembers should be aware that their body language and tone of voice, as well as the words they use, can appear to be intimidating or aggressive.

- **Follow parliamentary procedure in conducting public meetings**

The City Attorney serves as advisory parliamentarian for the City and is available to answer questions or interpret situations according to parliamentary procedures. The Chair, subject to the appeal of the full Council makes final rulings on parliamentary procedure.

IN UNOFFICIAL SETTINGS

- **Make no promises on behalf of the Council**

Councilmembers will frequently be asked to explain a Council action or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of City policy and to refer to City staff for further information. It is inappropriate to overtly or implicitly promise Council action, or to promise City staff will do something specific (fix a pothole, remove a library book, plant new flowers in the median, etc.).

- **Make no personal comments about other Councilmembers**

It is acceptable to publicly disagree about an issue, but it is unacceptable to make derogatory comments about other Councilmembers, their opinions and actions.

- **Remember that despite its impressive population figures, Sunnyvale is a small town at heart**

Councilmembers are constantly being observed by the community every day that they serve in office. Their behaviors and comments serve as models for proper deportment in the City of Sunnyvale. Honesty and respect for the dignity of each individual should be reflected in every word and action taken by Councilmembers, 24 hours a day, seven days a week. It is a serious and continuous responsibility.

Council Conduct with Other Public Agencies

"Always do right. This will gratify some people and astonish the rest."

-- Mark Twain

- **Be clear about representing the city or personal interests**

If a Councilmember appears before another governmental agency or organization to give a statement on an issue, the Councilmember must clearly state: 1) if his or her statement reflects personal opinion or is the official stance of the City; 2) whether this is the majority or minority opinion of the Council.

If the Councilmember is representing the City, the Councilmember must support and advocate the official City position on an issue, not a personal viewpoint.

If the Councilmember is representing another organization whose position is different from the City, the Councilmember should withdraw from voting on the issue if it significantly impacts or is detrimental to the City's interest. Councilmembers should be clear about which organizations they represent and inform the Mayor and Council of their involvement.

- **Correspondence also should be equally clear about representation**

City letterhead may be used when the Councilmember is representing the City and the City's official position. A copy of official correspondence should be given to the Council Executive Assistant to be filed in the Council Office as part of the permanent public record.

It is best that City letterhead not be used for correspondence of Councilmembers representing a personal point of view or a dissenting point of view from an official Council position. However, should Councilmembers use City letterhead to express a personal opinion, the official City position must be stated clearly so the reader understands the difference between the official City position and the minor viewpoint of the Councilmember.

Council Conduct With Boards and Commissions

"We rarely find that people have good sense unless they agree with us."

--Francois, Duc de La Rochefoucauld

The City has established several Boards and Commissions as a means of gathering more community input. Citizens who serve on Boards and Commissions become more involved in government and serve as advisors to the City Council. They are a valuable resource to the City's leadership and should be treated with appreciation and respect.

- **If attending a Board or Commission meeting, be careful to only express personal opinions**
Councilmembers may attend any Board or Commission meeting, which are always open to any member of the public. However, they should be sensitive to the way their participation especially if it is on behalf of an individual, business or developer -- could be viewed as unfairly affecting the process. Any public comments by a Councilmember at a Board or Commission meeting should be clearly made as individual opinion and not a representation of the feelings of the entire City Council.

- **Limit contact with Board and Commission members to questions of clarification**

It is inappropriate for a Councilmember to contact a Board or Commission member to lobby on behalf of an individual, business, or developer. It is acceptable for Councilmembers to contact Board or Commission members in order to clarify a position taken by the Board or Commission.

- **Remember that Boards and Commissions serve the community, not individual Councilmembers**

The City Council appoints individuals to serve on Boards and Commissions, and it is the responsibility of Boards and Commissions to follow policy established by the Council. But Board and Commission members do not report to individual Councilmembers, nor should Councilmembers feel they have the power or right to threaten Board and Commission members with removal if they disagree about an issue. Appointment and re-appointment to a Board or Commission should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties. A Board or Commission appointment should not be used as a political "reward."

- **Be respectful of diverse opinions**

A primary role of Boards and Commissions is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns and perspectives. Councilmembers may have a closer working relationship with some individuals serving on Boards and Commissions, but must be fair and respectful of all citizens serving on Boards and Commissions.

- **Keep political support away from public forums**

Board and Commission members may offer political support to a Councilmember, but not in a public forum while conducting official duties. Conversely, Councilmembers may support Board

and Commission members who are running for office, but not in an official forum in their capacity as a Councilmember.

- **Inappropriate behavior can lead to removal**

Inappropriate behavior by a Board or Commission member should be noted to the Mayor, and the Mayor should counsel the offending member. If inappropriate behavior continues, the Mayor should bring the situation to the attention of the Council and the individual is subject to removal from the Board or Commission.

Council Conduct with The Media

**"Keep them well fed and never let them know that all you've got is a chair and a whip."
-- Lion Tamer School**

Councilmembers are frequently contacted by the media for background and quotes.

- **The best advice for dealing with the media is to never go "off the record"**

Most members of the media represent the highest levels of journalistic integrity and ethics, and can be trusted to keep their word. But one bad experience can be catastrophic. Words that are not said cannot be quoted.

- **The Mayor is the official spokesperson for the representative on City position.**

The Mayor is the designated representative of the Council to present and speak on the official City position. If an individual Councilmember is contacted by the media, the Councilmember should be clear about whether their comments represent the official City position or a personal viewpoint.

- **Choose words carefully and cautiously**

Comments taken out of context can cause problems. Be especially cautious about humor, sardonic asides, sarcasm, or word play. It is never appropriate to use personal slurs or swear words when talking with the media.

Sanctions

**"You cannot have a proud and chivalrous spirit if your conduct is mean and paltry;
for whatever a man's actions are, such must be his spirit."**

-- Demosthenes

• Public Disruption

Members of the public who do not follow proper conduct after a warning in a public hearing may be barred from further testimony at that meeting or removed from the Council Chambers.

• Inappropriate Staff Behavior

Councilmembers should refer to the City Manager any City staff or to the City Attorney any City Attorney's staff who do not follow proper conduct in their dealings with Councilmembers, other City staff, or the public. These employees may be disciplined in accordance with standard City procedures for such actions. (Please refer to the section on Council Conduct with City Staff for more details on interaction with Staff.)

• Councilmembers Behavior and Conduct

City Councilmembers who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the Council, lose seniority or committee assignments (both within the City of Sunnyvale or with inter-government agencies) or have official travel restricted. Serious infractions of the Code of Ethics or Code of Conduct could lead to other sanctions as deemed appropriate by Council.

Councilmembers should point out to the offending Councilmember infractions of the Code of Ethics or Code of Conduct. If the offenses continue, then the matter should be referred to the Mayor in private. If the Mayor is the individual whose actions are being challenged, then the matter should be referred to the Vice Mayor.

It is the responsibility of the Mayor to initiate action if a Councilmember's behavior may warrant sanction. If no action is taken by the Mayor, the alleged violation(s) can be brought up with the full Council in a public meeting.

If violation of the Code of Ethics or Code of Conduct is outside of the observed behaviors by the Mayor or Councilmembers, the alleged violation should be referred to the Mayor. The Mayor should ask the City Manager and/or the City Attorney to investigate the allegation and report the findings to the Mayor. It is the Mayor's responsibility to take the next appropriate action. These actions can include, but are not limited to: discussing and counseling the individual on the violations; recommending sanction to the full Council to consider in a public meeting; or forming a Council ad hoc subcommittee to review the allegation; the investigation and its findings, as well as to recommend sanction options for Council consideration. Videotaping of the complaint hearing should be used for a Council ad hoc subcommittee.

Principles of Proper Conduct

Proper conduct IS ...

- Keeping promises
- Being dependable
- Building a solid reputation
- Participating and being available
- Demonstrating patience
- Showing empathy
- Holding onto ethical principles under stress
- Listening attentively
- Studying thoroughly
- Keeping integrity intact
- Overcoming discouragement
- Going above and beyond, time and time again
- Modeling a professional manner

Proper conduct IS NOT ...

Showing antagonism or hostility
Deliberately lying or misleading
Speaking recklessly
Spreading rumors
Stirring up bad feelings, divisiveness
Acting in a self-righteous manner

It all comes down to respect

Respect for one another as individuals . . . respect for the validity of different opinions . . .
respect for the democratic process . . . respect for the community that we serve.

Checklist for Monitoring Conduct

- ☐ Will my decision/statement/action violate the trust, rights or good will of others?
- ☐ What are my interior motives and the spirit behind my actions?
- ☐ If I have to justify my conduct in public tomorrow, will I do so with pride or shame?
- ☐ How would my conduct be evaluated by people whose integrity and character I respect?
- ☐ Even if my conduct is not illegal or unethical, is it done at someone else's painful expense? Will it destroy their trust in me? Will it harm their reputation?
- ☐ Is my conduct fair? Just? Morally right?
- ☐ If I were on the receiving end of my conduct, would I approve and agree, or would I take offense?
- ☐ Does my conduct give others reason to trust or distrust me?
- ☐ Am I willing to take an ethical stand when it is called for? Am I willing to make my ethical beliefs public in a way that makes it clear what I stand for?
- ☐ Do I exhibit the same conduct in my private life as I do in my public life?
- ☐ Can I take legitimate pride in the way I conduct myself and the example I set?
- ☐ Do I listen and understand the views of others?
- ☐ Do I question and confront different points of view in a constructive manner?
- ☐ Do I work to resolve differences and come to mutual agreement?
- ☐ Do I support others and show respect for their ideas?
- ☐ Will my conduct cause public embarrassment to someone else?

Glossary of Terms

attitude	The manner in which one shows one's dispositions, opinions, and feelings
behavior	External appearance or action; manner of behaving; carriage of oneself
civility	Politeness, consideration, courtesy
conduct	The way one acts; personal behavior
courtesy	Politeness connected with kindness
decorum	Suitable; proper; good taste in behavior
manners	A way of acting; a style, method, or form; the way in which things are done
point of order	An interruption of a meeting to question whether rules or bylaws are being broken, such as the speaker has strayed from the motion currently under consideration
point of personal privilege	A challenge to a speaker to defend or apologize for comments that a fellow Councilmember considers offensive
propriety	Conforming to acceptable standards of behavior
protocol	The courtesies that are established as proper and correct
respect	The act of noticing with attention; holding in esteem; courteous regard



MINUTES

SUNNYVALE BICYCLE AND PEDESTRIAN ADVISORY COMMISSION

The Bicycle and Pedestrian Advisory Commission met at 6:30 p.m. on May 17, 2007 with Committee Chair Durham presiding. The meeting was held in the West Conference Room, City Hall, 456 West Olive Avenue, Sunnyvale.

ROLL CALL

Members Present: Ralph Durham
Patrick Grant
Kevin Jackson
Richard Warner
Thomas Mayer
James Manidakos

Members Absent: Andrea Stawitcke (excused)

Staff Present: Dieckmann Cogill, Sr. Transportation Planner

Visitors: David Simons

SCHEDULED PRESENTATION

There was no scheduled presentation

PUBLIC ANNOUNCEMENTS

None

CONSENT CALENDAR

- 1.A) Approval of Draft Minutes from January 18, 2007 - pulled
- 1.B) Approval of Agenda
- 1.C) Approval of 2006 Calendar

<p>MOTION – Jackson/Warner – Approve items 1A - 1C of the Consent Calendar. Motion carried unanimously.</p>
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STAFF RESPONSE TO PRIOR PUBLIC COMMENTS

No prior public comments

PUBLIC COMMENTS

Simons provided an update from the VTA BPAC. He stated that they were working on ways to improve BPAC member education as well as the connections between transportation and land use. He also updated the committee on the Bicycle Technical Guidelines Update.

Jackson requested that a complete set of the Planning Commission Agenda Packet be provided to the library.

Mayer requested that the bike parking guidelines within the Bike Technical Guidelines be revised to be more specific so that they are implemented more effectively.

Jackson requested that the BPAC review the draft guidelines. He also requested that Simons encourage the VTA/County BPAC to communicate regularly with the Board of Supervisors.

PUBLIC HEARINGS/GENERAL BUSINESS

2. Review of FY 07-08 Recommended Budget

Cogill presented the staff report and stated that the recommended budget was not completed in time for Commission review at this meeting.

Mayer asked questions of staff relating to the development of lighting on the John Christian Greenbelt, between Meadowlake and Silverlake, about trails and bike plan projects in the budget and about whether the city is spending sufficient funds on roadway maintenance.

Public Comment

Simons stated that BPAC should comment on the DPS, DPW and DPR budget.

Motion Manidakos/Mayer – To hold a special meeting to be held on May 29, 2007 to review the recommended budget, with proper staff from DPW, DPR and DPS available to answer questions.

In addition, the BPAC requests that a budget review be placed on the agenda in July or August to explain the budget and the budget process to the Commission, and that managers from DPW, DPR and DPW be present to present their budget as it pertains to the BPAC.

Motion carried unanimously

3. Outline/Goals for "Roadway Reconfiguration Guidelines for Retrofitting Streets with Bike Lanes" – Study Issue

Cogill presented staff report.

Mayer stated that the overall goal/principal of the study issue should be that "safe passage for all modes of transportation must be achieved ahead of consideration for capacity for any one mode". He also stated that the project should develop a set of priorities for use of limited right-of-way.

Jackson stated that the study issue should develop objective engineering standards/policies that will spell out criteria for the safe use of the limited right-of-way for all users.

Mayer stated that he believes that the on collectors and arterial streets, bike space should always be prioritized over the provision of on-street parking, regardless of the demand for the parking spaces.

Warner stated that gap closure, school routes and other demographics and land uses shall be a factor that is considered.

Manitakos agreed that to be effective it should take land use and demographics into account. He also mentioned that bicycle level of service should be considered.

Public Input

Simons stated that neighborhood buy-in is important for bicycle projects and that hopefully this study will help achieve that. He also stated that taking away parking is undesirable because it cause conflicts with the neighborhood. Parking removal also raises speeds.

Mayer stated that in Sunnyvale parking is king and that he wants that notion to be changed as part of this study for collectors and arterial streets.

4. Bike to Work Day Debriefing

Cogill presented the staff report and statistics from the morning energizer stations and lunchtime bike ride.

Jackson thanked staff and DPS City Council for support.

NON-AGENDA ITEMS AND COMMENTS

- BPAC ORAL COMMENTS

Grant requested that the commission communicate to City Council that the Mary bulb-out needs to be removed.

Jackson requested that the item be placed on the June BPAC Agenda. If it goes to council before that the item can be removed. He also stated that bus stops at Wolfe/El Camino Real needs bike storage. He also requested that the City begin seeking funding for the Bernardo Caltrain Crossing project. He requested information on the timing of the Mary Avenue Extension Draft EIR. He requested that traffic engineering staff look at the detection in the EB LT lane at the intersection of Mathilda/Moffett Park Drive. Lastly, he requested that DPR be present at the June meeting to discuss bike locker maintenance.

Mayer reported parking issues on Wolfe Road and Reamwood. He stated that the signs are in the incorrect locations and cannot be enforced properly. He suggested that the signs be relocated, or that the curb be painted red.

Warner reported that the detection is not working properly on the SB Mathilda LT lane to EB Ross.

Durham suggested that next years Utility Bill Stuff include an education component for bike detection.

- **STAFF ORAL COMMENTS**

Cogill announced that the Bicycle and Pedestrian Advisory Committee has officially been changed to the Bicycle and Pedestrian Advisory Commission.

INFORMATION ONLY ITEMS

None

ADJOURNMENT

The meeting adjourned at 8:30 p.m.

Respectfully submitted,

Dieckmann Cogill, Senior Transportation Planner



MINUTES

SUNNYVALE BICYCLE AND PEDESTRIAN ADVISORY COMMISSION SPECIAL MEETING

The Bicycle and Pedestrian Advisory Commission met at 6:30 p.m. on May 29, 2007 with Committee Chair Durham presiding. The meeting was held in the West Conference Room, City Hall, 456 West Olive Avenue, Sunnyvale.

ROLL CALL

Members Present: Ralph Durham
Patrick Grant
Kevin Jackson
Richard Warner
James Manidakos
Andrea Stawitcke

Members Absent: Thomas Mayer (excused)

Staff Present: Dieckmann Cogill, Sr. Transportation Planner
Curtis Black, Superintendent of Parks
Captain Doug Morretto, DPS

Visitors: None

PUBLIC ANNOUNCEMENTS

Jackson announced that there will be a meeting on 5/30/07 for the Los Altos Stevens Creek Trail Link Trail Feasibility Study.

PUBLIC COMMENTS

None

PUBLIC HEARINGS/GENERAL BUSINESS

2. Review of FY 07-08 Recommended Budget.

Cogill presented brief staff report and offered to answer any questions that the committee may have. She stated that Curtis Black from DPR and Captain Doug Moretto from DPS are here to answer questions as well.

Questions relating to DPR -

Grant asked if it could be a possibility that the county could construct the Sunnyvale East Channel Trail as an extension of Baylands Park.

Black stated that the park is operated by the City of Sunnyvale and owned by the county. There are no current plans to expand the park. He stated that this could be a possible study issue.

Jackson requested that bike parking facilities be included in all parks projects. He also requested that the SVBC's efforts to educate middle school students in bike safety be rolled into project 823270 if possible. He also noted that bike racks and lockers can be artistically designed to enhance parks projects.

Warner commented on the JWC Greenbelt project from Weddell to Morse Avenue. He stated that it was too bad that the City didn't get this section improved by the adjacent developer.

Questions relating to DPS-

Jackson asked how maintenance of the bicycle patrol equipment was funded. He also asked how the department funds the purchase of bicycle helmets.

Moretto stated that this is absorbed in the maintenance is absorbed in the general operating budget and that the helmets are typically donated either by Traffic Safe Community Network, or some other source. He also stated that the department is planning on using the equipment in an effort to enforce right-of-way violations around the Caltrain Tracks.

Questions relating to DPW –

Manitakos asked questions relating to a number of specific projects.

Grant asked questions regarding the bicycle CIP ability to move forward if outside funding is received, the funding of the Sunnyvale East Channel Trail, and the Mary Avenue Overcrossing.

Jackson suggested that staff add bike parking signage to the Downtown Wayfinding project.

Motion Grant/Manitakos – BPAC is disappointed with the low level of funding for bicycle projects in the recommended budget. The Commission would like an opportunity in the future to provide input to council before the budget workshop.

Substitute Motion – Jackson/Grant

The Commission is generally satisfied with the projects list and proposed funding for bicycle and pedestrian related projects. The Commission would like to encourage staff

to seek funding opportunities to expedite bicycle projects and to consider ways for the Commission to provide more meaningful input early on in the process.

Motion carried unanimously

Motion Stawitcke/Jackson

To have Chair Durham deliver the message to City Council at the June 5, 2007 Public Hearing.

Motion carried unanimously

ADJOURNMENT

The meeting adjourned at 8:10 p.m.
Respectfully submitted,

Dieckmann Cogill, Senior Transportation Planner

Bicycle and Pedestrian Advisory Committee

Active Items

Item #	Item	OPR	Due Date (Approx)	Status	Last Updated
1	Borregas Avenue Bike Corridor	Cogill	2008	construction contract award process underway. Bid opening 7/25/07.	7/12/2007
2	Bernardo Caltrain Under-crossing	Cogill	Preliminary engineering by 2005	Feasibility Study accepted by the City Council. Funds for 20% local matching funds must be identified before further project initiation. BEP Tier 1 update submitted. VTA will program 80% funds out to 2016 to allow for time to secure matching funds.	10/14/2004
4	Evelyn Avenue Bike Lane Phase 1 and 2	Cogill	Summer/Fall 2007	Construction almost complete	7/12/2007
5	Code of Ethics	Cogill	7/19/2007	Annual review to occur at July 2007 meeting	7/12/2007
6	Utility Bill Stuffer	Cogill	May-07	Complete.	7/12/2007
7	Bike to Work Day	Cogill	5/17/2007	Complete.	7/12/2007
8	Overlay, Reconstruction, Slurry & Chip Schedule	T. Pineda	7-Apr	Info Only Item, April 2007	4/20/2007
O-1	Bike Transportation Account Grant Program	Cogill	Annual	Funding for the Borregas Bicycle/Pedestrian Bridges Awarded	7/13/2006

O-2	General Supply Expenditures		Ongoing		7/12/2007
O-3	Bicycle Capital Improvement Program		Ongoing		7/12/2007
O-4	TFCA grants		Annual		7/12/2007
O-5	Bike Parking Incentive Program	Cogill	Ongoing	another rack provided to Sports Basement	5/11/2007
O-6	Construction Zone Safety Complaints received	Witthaus	Ongoing	Complaints received regarding construction activities in Tasman Crossing Neighborhood. DPS enforcing parking restrictions, DPW inspection interacting with contractors.	7/12/2007
O-7	Issues raised at BPAC meeting requiring staff follow-up	Witthaus	Ongoing	Countdown pedestrian heads at Evelyn/Frances inspected. Wolfe Road bike lane sign repair bids higher than available funding. Work to be done using operating program funds, currently unscheduled. Staff is unclear on Tasman bypass sign repairs.	7/12/2007

